



Texas Department of Insurance
Division of Workers' Compensation
Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
512-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

PASADENA PAIN MANAGEMENT

Respondent Name

CONTINENTAL CASUALTY CO

MFDR Tracking Number

M4-14-0848-01

Carrier's Austin Representative Box

Box Number: 47

MFDR Date Received

NOVEMBER 15, 2013

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Please review this letter and carefully consider the circumstances regarding the charges for CPT L9690. Dr Fuke performed a PNS trial procedure connecting 16 leads to the Medtronic's Testing Device. We received a denied EOB dated 01/22/13 control # 26122490446404-CY denial note #5 unable to complete review of implant charges without documentation of cost or invoice for each implanted item billed. Reason code # 3claim/service lack information which is needed for adjudication. We are requesting full and complete payment in accordance with the TDI-DWC guidelines for procedure code L8680..."

Amount in Dispute: \$6,857.12

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Pursuant to Rule 133.307(c)(1)(A), a request for Medical Dispute Resolution) that does not involve issued identified in subparagraph (B) of the paragraph shall be filed no later than one year after the date(s) of service in dispute. 133.307(c)(1) The Division shall deem a request to be filed on the date the MDR section receives the request. Per the DWCC 60, the date of receipt is November 15, 2013. As such Dave of Service for 08/27/2012 is not to be considered by the Division as the request for MDR is untimely."

Response Submitted by: Law Offices of Brian J. Judis, 700 N. Pearl, Ste. 425, Dallas, TX 75201

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
August 27, 2012	HCPCS Code L8680 (16 Units)	\$6,857.12	\$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.

Issue

Did the requestor waive the right to medical fee dispute resolution?

Findings

28 Texas Administrative Code §133.307(c)(1) states: "Timeliness. A requestor shall timely file with the Division's MDR Section or waive the right to MDR. The Division shall deem a request to be filed on the date the MDR Section receives the request. (A) A request for medical fee dispute resolution that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute." The date of the services in dispute is August 27, 2012. The request for medical dispute resolution was received in the Medical Dispute Resolution (MDR) section on November 15, 2013. This date is later than one year after the date(s) of service in dispute. Review of the submitted documentation finds that the disputed services do not involve issues identified in §133.307, subparagraph (B). The Division concludes that the requestor has failed to timely file this dispute with the Division's MDR Section; consequently, the requestor has waived the right to medical fee dispute resolution.

Conclusion

The Division finds that the requestor has waived the right to medical fee dispute resolution for the services in dispute. For that reason, the merits of the issues raised by both parties to this dispute have not been addressed.

Authorized Signature

_____	_____	_____
Signature	Medical Fee Dispute Resolution Officer	April 24, 2014 Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.